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Paper No. 9

In re Application of :
Reinhold Reiling *et al* :
Application No. 10/049,618 : DECISION ON PETITION
Filed: February 22, 2002 :
Attorney Docket No. CU-3384 (02039) :

This is a decision on the petition originally filed on March 26, 2004, as resubmitted by facsimile transmission on August 16, 2004, by which petitioners request withdrawal of the holding that this application is abandoned for failure to pay the issue fee that was due on or before December 22, 2003. The petition is considered pursuant to 37 CFR 1.181, and no fee is required.

The petition is granted.

Petitioners allege that this application is not abandoned because petitioners did not receive the Notice of Allowance dated September 22, 2003, or any of the attachments thereto. Therefore, the fee could not be paid. In support of this allegation, petitioner has made a showing as discussed at MPEP § 711.03(c). The showing has been reviewed and it clearly satisfies the requirements of the Notice published at 1156 OG 53 pertaining to abandonment resulting from nonreceipt of Office correspondence. Based upon petitioners' showing, it is clear this application is not abandoned.

Accordingly, the Notice of Abandonment is hereby vacated, the holding of abandonment is withdrawn, and the application is restored to pending status. The application is being forwarded to the Head Supervisory Applications Examiner for Technology Center 3700 to:

1. Enter the associate power of attorney and change of correspondence address that were also filed on March 26, 2004, prior to the recent amendments to 37 CFR 1.32; and
2. Mail a new Notice of Allowance, together with a complete copy of the Notice of Allowability and all attachments thereto. The period for payment of the Issue Fee will run THREE MONTHS from the date upon which the new Notice of Allowance is mailed, and cannot be extended pursuant to 37 CFR 1.136. **The period for reply to certain requirements that may be set forth on the attached Notice of Allowability with respect to the submission of an oath or declaration, and with respect to certain requirements pertaining to the submission of formal drawings or drawing corrections, can no longer be extended.** See 37 CFR 1.85(c), and 37 CFR 1.136(c) as amended, effective November 7, 2000, published at 65 Federal Register 54670 and 54674, respectively.

After the above mailings are accomplished, the application will be forwarded to the Office of Patent Publication for processing into a patent.

PETITION GRANTED.

E. Rollins-Cross, Director
Technology Center 3700

Richard J. Streit
c/o Ladas & Parry
224 south Michigan Avenue
Chicago, IL 60604